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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,147	01/04/2002	David W. Brown	P214021	9308
7590	07/21/2005		EXAMINER	
MICHAEL R. SCHACHT Suite 202 2801 Meridian Street BELLINGHAM, WA 98225-2412			SCUDERI, PHILIP S	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/039,147	BROWN, DAVID W.
	Examiner Philip S. Scuderi	Art Unit 2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 June 2005.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 13 June 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

This Office action is in response to Applicant's amendments filed June 13, 2005. Claim 1 is amended. Claims 2-12 are new claims.

*Drawings*

Examiner has withdrawn the objections to the drawings because Applicant's amendments have overcome the objections.

*Specification*

Examiner has withdrawn the objections to the specification because Applicant's amendments have overcome the objections.

*Claim Rejections - 35 USC § 112*

Examiner has withdrawn the claim rejection under 35 USC § 112 because Applicant's amendments have overcome the rejection.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Sato et al. (EP 821522 A2, hereinafter “Sato”).

Regarding claim 1, Sato teaches a system for transferring a hardware independent service request between a client application and a motion control system using a communications network, comprising:

- a client build module (p. 3 lines 52-53, a web browser) for building a service request envelope (p. 4 line 15, file name “P20T5Z2.gif”) for containing the hardware independent service request (file name “P20T5Z2.gif” contains no hardware dependent instructions), where
  - the hardware independent service request is associated with a service performed by the motion control system (p. 4 lines 24-25), and
  - the client build module transmits the service request envelope across the communications network (abstract lines 1-3, the Internet);
- a service request format module (fig. 1 – command interpreter 1012) for extracting the hardware independent service request from the service request envelope, converting the hardware independent service request into a hardware independent service request method (p. 4 lines 18-23, an image sensing command), and invoking the hardware independent service request method (p. 4 lines 18-23); wherein
  - the motion control system comprises a motion services module (fig. 1 – camera controller 1017) that converts the hardware independent service request into a hardware dependent motion command (p. 4 lines 24-25); and
  - the motion control system operates in response to the hardware dependent motion command to perform the service associated with the service request (p. 4 lines 24-25).

Regarding claim 2, Sato teaches the system applied to claim 1, in which the service request format module receives a return value from the motion control system in response to the service request (p. 4 lines 25-26, the captured image), builds a response envelope containing the return value (p. 4 line 26, the HTTP response), and transmits the response envelope to the client application (p. 4 line 26).

Regarding claim 3, Sato teaches the system applied to claim 1, in which the service request format module invokes the service request method on the motion control system across a communications network (the network of components in fig. 1 (1017, 1015, 1012, etc.)).

Regarding claim 4, Sato teaches the system applied to claim 1, in which the service request format module invokes the service request method on the motion control system across a process boundary (command interpreter 1012 and camera controller 1017 are disclosed as separate components, thus a command from 1010 to 1017 must cross a process boundary between the two components).

Regarding claim 5, Sato teaches that the service request format module (command interpreter 1012) invokes the service request method (the image sensing command) within a single process (fig. 2 – step (i.e. process) S102).

Regarding claim 6, Sato teaches the system applied to claim 1, further comprising a packaging module (fig. 1 – command interpreter 1012) that converts the service request into a service request method (p. 4 lines 18-23).

Regarding claim 7, Sato teaches the system applied to claim 1, further comprising a data format module (fig. 1 – command interpreter 1012) that converts service request data between a first data format associated with the communications network and a second data format associated with the motion control system (p. 4 lines 18-23, HTML to an image sensing command).

Regarding claim 8, Sato teaches the system applied to claim 1, further comprising a method discovery module (p. 3 lines 52-53, a web browser) for determining a set of services supported by the motion control system (by requesting the image the web browser determines that the motion control system supports retrieving images from the camera).

Regarding claim 9, Sato teaches the system applied to claim 1, further comprising a data management module (fig. 1 – timer 1015) between the client build module and the service request module (see fig. 1), where the data management module manages service requests (timing the image sensing associated w/ the requests, see fig. 5).

Regarding claim 10, Sato teaches the system applied to claim 9, in which the data management module further routes service requests to a database (fig. 1 – image memory 1019) for persistent storage (fig. 5 – S206, service requests translate to images and are stored in image memory before being sent back to the client).

Regarding claim 11, Sato teaches the system applied to claim 10, further comprising a data caching module (fig. 1 – external device 1002) for processing data stored in the database (p. 4 line 27, the external device sends (i.e. processes) the image data from image memory back to the client).

Regarding claim 12, Sato teaches the system applied to claim 7, further comprising:

- a data management module (fig. 1 – timer 1015) between the client build module and the service request module (see fig. 1), where the data management module manages service requests (timing the image sensing associated w/ the requests, see fig. 5);
- a database (fig. 1 – image memory 1019) for persistently storing services requests (fig. 5 – S206, service requests translate to images and are stored in image memory before being sent back to the client); and
- a data caching module (fig. 1 – external device 1002) for processing data stored in the database (p. 4 line 27, the external device sends (i.e. processes) the image data from image memory back to the client).

#### *Response to Arguments*

Applicant contends that Sato does not teach a hardware independent service request that is included in a service request envelope, used to create a service request method, and converted into a hardware dependent motion command. Applicant contends that, to the contrary, Sato's disclosure is highly hardware dependent.

In response, Examiner notes that (1) the specification does not define "hardware independent", leaving the term open to interpretation, and (2) Applicant has not fully explained the contention that Sato's disclosure cannot reasonably be considered hardware independent.

The service request is merely a file name at the end of a URL that is decoded into hardware instructions that control the camera. The user that requests the URL does not send instructions that are unique to a particular type of camera. Therefore, the service request can reasonable be considered hardware independent and claim 1 stands rejected.

*Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865. The examiner can normally be reached on Monday-Friday 8am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

PSS



Dung C. Dinh  
Primary Examiner

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Primary Examiner